

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2023

COUNCIL BILL NO. CB23-0258  
COMMITTEE OF REFERENCE:  
Finance & Governance

**A BILL**

**For an ordinance designating certain properties as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings of fee simple, easement and other interests, including any rights and interests related or appurtenant to properties designated as needed for the traffic and pedestrian safety improvement project along the Mississippi Avenue Corridor, running from Eliot Street to Quivas Steet, also known as Safer Main Streets – Mississippi Avenue Vison Zero Project.**

**BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

**Section 1.** That the Council hereby designates the following properties situated in the City and County of Denver and State of Colorado as being needed for public uses and purposes by the City and County of Denver, a municipal corporation of the State of Colorado:

**TE-1  
1050 S. ZUNI STREET**

**LAND DESCRIPTION**

A TEMPORARY EASEMENT (TE-01), BEING A PART OF THAT PARCEL OF LAND LOCATED AT 1050 S. ZUNI STREET, DENVER, CO 80223, KNOWN AS GOLDRICK ELEMENTARY SCHOOL, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16, THENCE NORTH 37°01'34" EAST, A DISTANCE OF 49.85 FEET TO A POINT AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF W. MISSISSIPPI AVENUE AND THE EAST RIGHT-OF-WAY OF ZUNI STREET, SAID INTERSECTION BEING THE POINT OF BEGINNING;

THENCE ALONG SAID EAST RIGHT-OF-WAY NORTH 00°00'46" EAST, A DISTANCE OF 15.00 FEET;

THENCE SOUTH 89°36'50" EAST, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 00°00'46" WEST, A DISTANCE OF 10.00 FEET;

THENCE SOUTH 89°36'50" EAST, A DISTANCE OF 75.00 FEET;

1 THENCE SOUTH 00°00'46" WEST, A DISTANCE OF 5.00 FEET TO SAID NORTH RIGHT-OF-  
2 WAY;

3  
4 THENCE ALONG SAID NORTH RIGHT-OF-WAY NORTH 89°36'50" WEST, A DISTANCE OF  
5 80.00 FEET TO THE POINT OF BEGINNING.

6  
7 CONTAINING AN AREA OF 450.00 SQUARE FEET OR 0.010 ACRES, MORE OR LESS.

8  
9 BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION  
10 16, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARS  
11 SOUTH 89°36'50" EAST BETWEEN THE SOUTHWEST CORNER OF SAID SECTION 16, BEING  
12 MONUMENTED WITH A 3.25" ALUMINUM CAP IN A MONUMENT BOX STAMPED "CITY OF  
13 DENVER LS 14592 1990 LAND CORNER", AND THE SOUTH QUARTER CORNER OF SAID  
14 SECTION 16, BEING A METAL ROD IN A MONUMENT BOX, WITH ALL BEARINGS HEREIN  
15 RELATIVE THERETO.

16  
17 **TE-2**  
18 **1099 S. ZUNI STREET**

19 LAND DESCRIPTION

20 A TEMPORARY EASEMENT (TE-02), SITUATED ON THAT PARCEL OF LAND DESCRIBED IN  
21 THAT DEED RECORDED AT RECEPTION NO. 9700156994 IN THE DENVER COUNTY CLERK  
22 AND RECORDER'S OFFICE, BEING PART OF LOTS 10 AND 11, BLOCK 5, MORRISTOWN  
23 SUBDIVISION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 4  
24 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF  
25 DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

26  
27 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17, THENCE NORTH  
28 36°54'46" WEST, A DISTANCE OF 49.92 FEET TO THE SOUTHEAST CORNER OF SAID  
29 PARCEL OF LAND, ALSO BEING THE NORTH RIGHT-OF-WAY OF W. MISSISSIPPI AVE, AND  
30 THE POINT OF BEGINNING;

31  
32 THENCE ALONG THE SOUTH LINE OF SAID PARCEL OF LAND AND SAID NORTH RIGHT-  
33 OF-WAY SOUTH 89°49'57" WEST, A DISTANCE OF 23.00 FEET;

34  
35 THENCE NORTH 00°01'37" EAST, A DISTANCE OF 5.00 FEET;

36  
37 THENCE NORTH 89°49'57" EAST, A DISTANCE OF 18.00 FEET;

38  
39 THENCE NORTH 00°01'37" EAST, A DISTANCE OF 19.00 FEET;

40  
41 THENCE NORTH 89°49'57" EAST, A DISTANCE OF 5.00 FEET TO THE EAST LINE OF SAID  
42 PARCEL OF LAND AND THE WEST RIGHT-OF-WAY OF ZUNI STREET;

43  
44 THENCE ALONG SAID EAST LINE AND WEST RIGHT-OF-WAY SOUTH 00°01'37" WEST, A  
45 DISTANCE OF 24.00 FEET TO THE POINT OF BEGINNING.

46  
47 CONTAINING AN AREA OF 210.00 SQUARE FEET OR 0.005 ACRES, MORE OR LESS.

48  
49 BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 16,

1 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BEARS SOUTH  
2 89°36'50" EAST BETWEEN THE SOUTHEAST CORNER OF SAID SECTION 17, BEING  
3 MONUMENTED WITH A 3.25" ALUMINUM CAP IN A MONUMENT BOX STAMPED "CITY OF  
4 DENVER LS 14592 1990 LAND CORNER", AND THE SOUTH QUARTER CORNER OF SAID  
5 SECTION 16, BEING A METAL ROD IN A MONUMENT BOX, WITH ALL BEARINGS HEREIN  
6 RELATIVE THERETO.

7  
8 **TE-3**  
9 **1101 S. ZUNI STREET**

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11 **LAND DESCRIPTION**

12 A TEMPORARY EASEMENT (TE-03), SITUATED ON THAT PARCEL OF LAND DESCRIBED IN  
13 THAT SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 2018057505 IN THE  
14 DENVER COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE NORTHEAST  
15 QUARTER OF SECTION 20, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH  
16 PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO,  
17 DESCRIBED AS FOLLOWS:

18  
19 COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 20, THENCE ALONG THE  
20 EAST LINE OF SAID NORTHEAST QUARTER SOUTH 00°11'48" WEST, A DISTANCE OF 40.00  
21 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND, ALSO BEING THE SOUTH  
22 RIGHT-OF-WAY OF W. MISSISSIPPI AVENUE, AND THE POINT OF BEGINNING;

23  
24 THENCE CONTINUING ALONG SAID EAST LINE OF THE NORTHEAST QUARTER, ALSO  
25 BEING THE EAST LINE OF SAID PARCEL OF LAND AND THE WEST RIGHT-OF-WAY OF ZUNI  
26 STREET, SOUTH 00°11'48" WEST, A DISTANCE OF 18.00 FEET;

27  
28 THENCE SOUTH 89°49'57" WEST, A DISTANCE OF 5.00 FEET;

29  
30 THENCE NORTH 00°11'48" EAST, A DISTANCE OF 13.00 FEET;

31  
32 THENCE SOUTH 89°49'57" WEST, A DISTANCE OF 10.00 FEET;

33  
34 THENCE NORTH 00°11'48" EAST, A DISTANCE OF 5.00 FEET TO THE NORTH LINE OF SAID  
35 PARCEL OF LAND AND SAID SOUTH RIGHT-OF-WAY OF W. MISSISSIPPI AVENUE;  
36 THENCE ALONG SAID NORTH LINE AND SOUTH RIGHT-OF-WAY NORTH 89°49'57" EAST, A  
37 DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

38  
39 CONTAINING AN AREA OF 140.00 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.

40  
41 BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 21,  
42 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BEARS SOUTH  
43 89°36'50" EAST BETWEEN THE NORTHEAST CORNER OF SAID SECTION 20, BEING  
44 MONUMENTED WITH A 3.25" ALUMINUM CAP IN A MONUMENT BOX STAMPED "CITY OF  
45 DENVER LS 14592 1990 LAND CORNER", AND THE NORTH QUARTER CORNER OF SAID  
46 SECTION 21, BEING A METAL ROD IN A MONUMENT BOX, WITH ALL BEARINGS HEREIN  
47 RELATIVE THERETO.

**TE-4**  
**2360 W. MISSISSIPPI AVE**

LAND DESCRIPTION

A TEMPORARY EASEMENT (TE-04), SITUATED ON THAT PARCEL OF LAND DESCRIBED IN THAT WARRANTY DEED RECORDED AT RECEPTION NO. 2004237896 IN THE DENVER COUNTY CLERK AND RECORDER'S OFFICE, BEING PART OF LOTS 1, 2, 41 AND 42, BLOCK 7, KING HOUSTON SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 21, THENCE SOUTH 55°58'56" EAST, A DISTANCE OF 72.22 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND, ALSO BEING THE SOUTH RIGHT-OF-WAY OF W. MISSISSIPPI AVE, AND THE POINT OF BEGINNING;

THENCE ALONG THE NORTH LINE OF SAID PARCEL OF LAND AND SAID SOUTH RIGHT-OF-WAY SOUTH 89°36'50" EAST, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 00°11'48" WEST, A DISTANCE OF 5.00 FEET;

THENCE NORTH 89°36'50" WEST, A DISTANCE OF 15.00 FEET;

THENCE SOUTH 00°11'48" WEST, A DISTANCE OF 18.00 FEET;

THENCE NORTH 89°36'50" WEST, A DISTANCE OF 5.00 FEET TO THE WEST LINE OF SAID PARCEL OF LAND AND THE EAST RIGHT-OF-WAY OF ZUNI STREET;

THENCE ALONG SAID WEST LINE AND EAST RIGHT-OF-WAY NORTH 00°11'48" EAST A DISTANCE OF 23.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 190.00 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARS SOUTH 89°36'50" EAST BETWEEN THE NORTHWEST CORNER OF SAID SECTION 21, BEING MONUMENTED WITH A 3.25" ALUMINUM CAP IN A MONUMENT BOX STAMPED "CITY OF DENVER LS 14592 1990 LAND CORNER", AND THE NORTH QUARTER CORNER OF SAID SECTION 21, BEING A METAL ROD IN A MONUMENT BOX, WITH ALL BEARINGS HEREIN RELATIVE THERETO.

**Section 2.** That the Council finds and determines that property interests in these properties are needed and required for the following public uses and public purposes: as part of a project that includes the installation and/or modification of through lanes, two-way left-turn lane(s), auxiliary turn lanes, widened pavement, raised-curb medians, crosswalks, curb bulb-outs and ADA ramps along the Mississippi Avenue Corridor, running from Eliot Street to Quivas Steet (the "Project").

1           **Section 3.** That Council authorizes the Mayor, including his duly authorized representatives,  
2 in accordance with applicable federal, state, and City laws and rules and regulations adopted  
3 pursuant thereto, to acquire the needed property interests, including, but not limited to, fee title,  
4 permanent easements, temporary easements, fixtures, licenses, permits, improvements (including  
5 without limitation, general outdoor advertising devices, buildings, and access points) and any other  
6 rights, interests, and appurtenances thereto. Such authority includes the taking of all actions  
7 necessary to do so without further action by City Council, including but not limited to: conducting  
8 negotiations, executing all related agreements, making all necessary payments, taking any and all  
9 actions required by law before instituting condemnation proceedings, allowing the temporary use of  
10 City-owned land and conveying all or a portion of any City-owned land, including remnants, by  
11 quitclaim deed, permanent or temporary easements, leases, licenses and permits.

12           **Section 4.** That if the interested parties do not agree upon the compensation to be paid for  
13 the needed property interests, the owner or owners of the property are incapable of consenting, the  
14 name or residence of any owner is unknown, or any of the owners are non-residents of the State,  
15 then the City Attorney of the City and County of Denver, upon the Mayor's direction, is authorized  
16 and empowered to exercise the City and County of Denver's eminent domain powers by instituting  
17 and, as necessary, prosecuting to conclusion proceedings under Article 1, Title 38, Colorado  
18 Revised Statutes, to acquire needed property interests upon, through, over, under and along the  
19 above-described property as necessary for the purposes set forth in Section 2 above.

20           **Section 5.** That the Council finds and determines that the Denver Department of  
21 Transportation and Infrastructure and federal and state agencies may find the need to alter the  
22 nature of the property interests or the legal descriptions of the properties referred to in this Ordinance  
23 and may continue to do so in order to meet the needs of the Project. Council authorizes the Mayor,  
24 including his duly authorized representatives, in accordance with applicable federal, state, and City  
25 laws and rules and regulations adopted pursuant thereto, to acquire the property as the property  
26 interests and legal descriptions are altered in accordance with the means authorized in this  
27 Ordinance.

28           **Section 6.** That the Council hereby finds and determines that to improve the safety and  
29 operation of pedestrians, bicycles and vehicles in the vicinity of the Project, it may be necessary to  
30 rebuild, modify, remove, and relocate existing access points to streets located in the vicinity of the  
31 Project.

32           **Section 7.** That the Council authorizes the City to use the power of eminent domain to act  
33 as the local authority to install and modify through lanes, two-way turn lane(s), auxiliary turn lane(s)

1 widened pavement, raised curb medians, crosswalks, curb bulb-outs and ADA ramps along the  
2 Mississippi Avenue Corridor, running from Eliot Street to Quivas Street to prioritize the movement  
3 of people for safety and economic benefits.

4 **Section 8.** That the City Council hereby finds and determines that the Project is necessary  
5 for the health, safety, and welfare of the public.

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1 COMMITTEE APPROVAL DATE: March 14, 2023 by Consent  
2 MAYOR-COUNCIL DATE: March 21, 2023  
3 PASSED BY THE COUNCIL: \_\_\_\_\_  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_  
6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ ; \_\_\_\_\_  
10 PREPARED BY: Johna M. Varty, Assistant City Attorney DATE: March 23, 2023  
11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
12 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
14 3.2.6 of the Charter.  
15  
16 Kerry Tipper, Denver City Attorney  
17  
18 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_